



**Attorney General
Betty D. Montgomery**

June 24, 1996

Via Overnight Mail

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D. C. 20554

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JUN 25 1996
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Re: *In the Matter of Implementation of the
Local Competition Provisions in the
Telecommunications Act of 1996, CC
Docket No. 96-98*

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Enclosed please find the original and seventeen copies of the **Local Exchange Competition Guidelines adopted by the Public Utilities Commission of Ohio (PUCO)**, which are being submitted as a late-filed exhibit in the above-referenced matter. The Ohio local competition guidelines were adopted on June 12, 1996 in PUCO Case No. 95-845-TP-COI. The PUCO's Initial Comments in this docket indicated that it would submit the final guidelines upon adoption. The FCC should be aware of the existence of the Ohio guidelines when deciding this docket. An executive summary of the order will soon be forwarded upon completion.

Please return a time-stamped copy to me in the enclosed stamped, self-addressed envelope. Thank you for your assistance in this matter.

Respectfully submitted,

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Public Utilities Section
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Columbus, Ohio 43266-0573
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Enclosure

cc: Janice Myles, Common Carrier Bureau
International Transcription Services, Inc.

At 16

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LOCAL SERVICE GUIDELINES

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LOCAL SERVICE GUIDELINES

I. REFERENCE SECTION

A. As used within this document, these terms denote the following:

1. Basic Local Exchange Services

Means the end user and carrier access to and usage of telephone company-provided facilities that enable customers, over a local exchange telephone company network operated within a local service area, to originate and receive voice grade, data, or image communications and to access interexchange or other networks. Resellers and/or rebillers of basic local exchange service are local exchange carrier's since they provide basic local exchange services consistent with this definition.

2. Dialing Parity

Means a condition in which an entity that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customers' designation between or among telecommunications service providers (including such local exchange carrier).

3. Exchange

Means a geographical service area established by an incumbent local exchange carrier and approved by the Commission, which usually embraces a city, town, or village and a designated surrounding or adjacent area. It typically encompasses one or more central offices, together with the associated plant used in furnishing telecommunications service to the general public. There are currently 748 exchanges in the state.

4. Exchange Access

Means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

5. Facilities-Based Local Exchange Carrier

Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that owns, operates, manages, or controls plant or equipment through which it provides basic local exchange service to consumers on a common carrier basis.

6. Incumbent Local Exchange Carrier (ILEC)

Means, with respect to an area, the local exchange carrier that: (a) on the date of enactment of the Telecommunications Act of 1996 (1996 Act), provided basic local exchange service in such area; and (b) (i) on such date of enactment, was deemed to be a member of the exchange carrier association pursuant to Section 69.601(b) of the Federal Communication Commission's (FCC's) regulations (47 C.F.R. 69.601(b)); or (ii) is a person or entity that, on or after such date of enactment, became a successor or assignee of a member described in clause (i). Incumbent local exchange carriers will be referred to as ILECs throughout this document.

7. InterLATA Service

Means telecommunications between a point located in a local access and transport area and a point located outside such area.

8. Local Exchange Carrier (LEC)

Means any facilities-based and nonfacilities-based, ILECs and NECs which provide basic local exchange services to consumers on a common carrier basis. Such term does not include an entity insofar as such entity is engaged in the provision of a commercial mobile service under Section 47 U.S.C. 332(C), except to the extent that the FCC finds that such service should be included in the definition of such term.

9. Long Run Service Incremental Cost (LRSIC)

For LRSIC definition, see Attachment A to Appendix A.

10. Network Element

Means the facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility

or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

11. New Entrant Carrier (NEC)

Means a local exchange carrier that:

- a. (i) On the date of enactment of the 1996 Act, did not provide basic local exchange service and (ii) was not deemed to be a member of the exchange carrier association pursuant to Section 69.601(B) of the FCC's regulations (47 C.F.R. 69.601(B)); or
- b. Is not a person or entity that, on or after such date of enactment, became a successor or assign of such a local exchange carrier.

12. Nonfacilities-Based Local Exchange Carrier

Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that does not own, operate, manage, or control plant or equipment but that is in the business of reselling basic local exchange service to consumers on a common carrier basis.

13. Number Portability

Means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

14. Rural Local Exchange Carrier (RLEC)

Means a local exchange carrier operating entity to the extent that such entity:

- a. Provides common carrier service to any local exchange carrier study area that does not include either:
 - i. Any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

- ii. Any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;
- b. Provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;
- c. Provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or
- d. Has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the 1996 Act.

15. Telecommunications Carrier

Shall have the same meaning as a telephone company as defined in Section 4905.03(A)(2), Revised Code.

B. Acronyms

As used within this document, the following acronyms denote:

1996 ACT	The Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151, et seq.
564	Case No. 89-564-TP-COI
944	Case No. 86-944-TP-COI
1144	Case No. 89-1144-TP-COI
ABN	Application to Abandon Service
ACE	Application for a Certificate
AEC	Application to Establish, Revise, or Cancel a Contract
AIN	Advanced Intelligent Network
ANI	Automatic Number Identification
ARB	Application for Arbitration
ATA	Application for Tariff Amendment
AOS	Alternative Operator Services
CABS	Carrier Access Billing System
CARE	Customer Account Record Entry
CCLC	Carrier Common Line Charge
CBG	Census Block Group
COMMISSION	The Public Utilities Commission Of Ohio
COI	Commission Inquiry
CPNI	Customer Proprietary Network Information
CTS	Competitive Telecommunication Service Providers as defined in Case No. 89-563-TP-COI

DID	Direct Inward Dialing
EAS	Extended Area Service
FCC	Federal Communications Commission
FGD	Feature Group D
HCS	High Cost Support
ILEC	Incumbent Local Exchange Carrier
IN	Intelligent Network
IXC	Interexchange Carrier
LEC	Local Exchange Carrier Refers to both ILECs and NECs
LERG	Local Exchange Routing Guide
LOA	Letter of Agency
LRN	Location Routing Number
LRSIC	Long Run Service Incremental Costs
MOU	Minutes of Use
MPB	Meet Point Billing
MTS	Message Toll Service
MTSS	Minimum Telephone Service Standards as contained in Chapter 4901:1-5, Ohio Administrative Code, and applicable Commission decisions as may be amended or redefined.
NEC	New Entrant Carrier
OCC	The Office of the Consumers' Counsel
ORP/SCO	Originating Responsibility Plan/Secondary Carrier Option
PEC	Primary Exchange Carrier as defined in Case No. 83-464-TP-COI
PIC	Prescribed Interexchange Carrier
RCF	Remote Call Forwarding
RFP	Request For Proposal
RIC	Residual Interconnection Charge
RLEC	Rural Local Exchange Carrier
ROE	Return On Equity
SEC	Secondary Exchange Carrier as defined in Case No. 83-464-TP-COI
SCA/TSA	Service Connection Assistance/Telephone Service Assistance
TAP	Tariff Application Period
TIC	Total Incremental Cost
TPM	Telecommunications Performance Measurement Database
USF	Universal Service Fund
USOA	Uniform System of Accounts

II. CERTIFICATION ISSUES

A. Jurisdiction

1. Scope

Each facilities-based and nonfacilities-based entity engaged in the business of providing local exchange service to, from, through, or in Ohio as a common carrier shall be considered a LEC subject to Commission jurisdiction.

2. Waivers

a. Nothing contained within these guidelines and procedures shall preclude the Commission from waiving any provision in this document for good cause shown or upon its own motion.

b. RLEC Exemptions

i. Until it receives a bona fide request for interconnection, services, or network elements, an RLEC is exempt only from those portions of these guidelines which are part of Section 251(c) of the 1996 Act.

ii. Notwithstanding Section II.A.2.b.i., above, each RLEC which seeks an exemption under Section 251 of the 1996 Act or which seeks a waiver of these guidelines, must submit a plan to the Commission, for the Commission's review and approval as to how it is preparing for the introduction of local competition in its service area. The plan must be filed within one year from the date the Commission adopts these guidelines or within 60 days of the receipt of a bona fide request, whichever is earlier. This plan must include, at a minimum, the following:

a. How its plan will benefit the public interest;

b. What steps it intends to take to prepare for the competitive entry of other LECs in its serving area. This should be presented in the form of a plan which specifies milestones and a timeline;

- c. A timetable and outline of information to be included in progress reports to be submitted to the Commission regarding preparations for competitive entry;
 - d. Any other information in support of its request, including but not limited to: economic burden; technical feasibility; and impact on universal service; and
 - e. All plans must be supported by adequate documentation of the items set forth in this Section.
- iii. Unless the Commission finds it otherwise appropriate, an RLEC that obtains a waiver from any of these guidelines will remain under the regulatory framework (i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144) it was subject to prior to the Commission's adoption of these guidelines. The automatic time frames included within these local competition guidelines shall not apply to its filings unless and until it no longer has a waiver from any of these guidelines, except as provided in Section VI.L. of these guidelines.

c. RLEC's Receiving Bona Fide Requests

- i. A person making a bona fide request of an RLEC for interconnection services or network elements shall submit a notice of its request to the Chief of the Telecommunications Division of the Commission.
- ii. Upon receipt by the Commission of a notice of a bona fide request to an RLEC for interconnection, services, or network elements, the Commission shall initiate a COI and conduct an inquiry within 120 days.
- iii. If the Commission finds that the termination of the RLEC's waiver is not unduly economically burdensome, is technically feasible, and is consistent with universal service principles, the termination of the waiver will be

ordered within 120 days after the Commission receives notice of the request. The Commission will establish an implementation schedule in these instances.

- iv. The Commission will consider whether the termination of the RLEC's waiver would result in undue economic burden, is not technically feasible, or does not comport with universal service principles, and will issue an order outlining its findings. In reaching its decision, the Commission will take into consideration the plan filed by the RLEC as required in Section II.A.2.b.ii., above, as well as the progress attained by the RLEC in reaching its milestones in a timely manner.

d. Rural Carrier Exemptions

- i. Each rural carrier which seeks an exemption under Section 251 of the 1996 Act or which seeks a waiver of these guidelines must submit a plan to the Commission for the Commission's review and approval, as to how it is preparing for the introduction of local competition in its service area. For rural carriers that are also RLECs, the plan must be filed within one year from the date the Commission adopts these guidelines or 60 days after the receipt of a bona fide request, whichever is earlier. For rural carriers that are not also RLECs, the plan must be filed within 180 days from the date the Commission adopts these guidelines, or 30 days after the receipt of a bona fide request, whichever is earlier. This plan must include, at a minimum, the following:
 - a. How its plan will benefit the public interest;
 - b. What steps it intends to take to prepare for the competitive entry of other LECs in its serving area. This should be presented in the form of a plan which specifies milestones and a timeline;
 - c. A timetable and outline of information to be included in progress reports to be submitted to the Commission regarding preparations for competitive entry; and

- d. Any other information in support of its plan, including, but not limited to: economic burden; technical feasibility; and impact on universal service.
- ii. Upon a petition from a rural carrier for a suspension or modification of the application of a requirement or requirements of these guidelines, the Commission shall act within 180 days after receiving such petition. Pending such action, the Commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier. The Commission may also consider such request in the context of filings pursuant to Section 4905.24, 4927.03, and/or 4927.04, Revised Code.
- iii. In considering a petition from a rural carrier for any type of exemption, the Commission will consider if it:
 - a. Is necessary in order:
 - i. To avoid a significant adverse economic impact on users of telecommunications services generally;
 - ii. To avoid imposing a requirement that is unduly economically burdensome; or
 - iii. To avoid imposing a requirement that is technically infeasible.
 - b. Is consistent with the public interest, convenience, and necessity.

In reaching its decision, the Commission will take into consideration the plan filed by the rural carrier as required in Section II.A.2.d.i., above, as well as the progress attained by the rural carrier in reaching its milestones in a timely manner. The Commission reserves the right to modify or reject any such waiver request.

- iv. Unless the Commission finds it otherwise appropriate, a rural carrier that obtains a waiver from these guidelines will remain under the regulations regulatory framework (i.e., ILECs who seek approval and who are granted

approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144.) it was subject to prior to the Commission's adoption of these guidelines. The automatic time frames included within these local competition guidelines shall not apply to its filings unless and until it no longer has a waiver from these guidelines, except as provided in Section VI.L. of these guidelines.

- e. Any LEC seeking a waiver(s) pursuant to Section 251 of the 1996 Act, or which seeks a waiver(s) of these guidelines, shall specify the period of time for which it seeks such waiver(s), and a detailed justification therefor.

3. Rules and Regulations

- a. Except as indicated in these guidelines, requirements placed on the ILECs by the Ohio Administrative Code and the Ohio Revised Code will apply to the NECs unless modified through an appropriate regulatory proceeding. To the extent they do not conflict with the provisions set forth herein, Commission requirements and policies will apply to the operations of the NECs. Examples of such requirements and policies include, but are not limited to, MTSS, lifeline services (SCA/TSA), discounts for persons with communications disabilities, blocking of 976 services, disconnection of local service rules, 9-1-1 service, privacy and number disclosure requirements, and provisions involving customer-owned, coin-operated telephones. In addition, the requirements imposed on AOS providers in Case Nos. 88-560-TP-COI and 563 shall be applicable to NECs.

b. Minimum Service Requirements

The MTSS, as these currently exist and as may be modified by this Commission, apply to all LECs. LECs may seek waivers or modifications of a particular MTSS based upon their own unique circumstances. The Commission shall have the ultimate authority to rule on all waiver requests.

4. ILECs cannot also be NECs within their current serving areas. A separate NEC affiliate to the ILEC may be established to compete in other ILEC serving areas. These NEC affiliates are subject to the affiliate transaction guidelines embodied in Commission decisions regarding United Telephone Long Distance (Case No. 86-2173-TP-ACE), Ameritech Advanced Data Services, Inc. (Case No. 93-1081-TP-UNC), and in 563, as subsequently amended or supplemented, and any other requirements imposed by the Commission. NECs affiliate with ILECs must seek separate certification to provide service in other ILEC serving areas. Any ILEC that obtains a waiver pursuant to Section II.A.2.b or d of these guidelines shall not be permitted to have an affiliated NEC until such waiver is no longer in effect. Depending on the type of waiver obtained by an ILEC pursuant to Section II.A.2.a., the Commission will make a case-by-case determination as to whether that ILEC may have an affiliated NEC.

B. Nature of Certification Process

1. Minimum Requirements

NECs which are affiliated with ILECs and are seeking authority to offer local exchange services, and other NECs, shall file with the Commission a completed Registration Form as set forth in Attachment B to these guidelines, along with an application for a certificate (ACE) addressing, at a minimum, the following items:

- a. Certificate of good standing or certificate to operate as an out-of-state entity and, if applicable, fictitious name authorization;
- b. List of officers and directors;
- c. Full address and telephone number;
- d. Proposed end user and carrier-to-carrier tariffs, if applicable, including a full description of proposed services and operations (proposed tariff may be illustrative), as well as all relevant terms and conditions, to be supplemented with actual tariffs following the establishment of interconnection terms and conditions but prior to the availability of such services and operations;
- e. Description of initial serving area and local calling area, along with maps depicting the areas;

- f. Verification of compliance with any applicable affiliate transaction requirements;
- g. Documentation attesting to the applicant's financial viability including, at a minimum, a pro forma INCOME statement and a balance sheet;
- h. Verification that the applicant will maintain accounting records pursuant to Part 64 of the FCC's rules, the USOA, and any other rules or regulations promulgated by the FCC or this Commission;
- i. Documentation attesting to the applicant's technical expertise relative to the proposed service offering(s);
- j. Documentation indicating the applicant's corporate structure and ownership;
- k. Information pertaining to any similar operations provided by the applicant in other states;
- l. Affidavits from two officers certifying the validity of the above information, as well as its intent to fully comply with these guidelines; and
- m. Any waivers sought by the applicant.

2. Additional Requirements

Nothing precludes the staff or the Commission from requiring additional information, nor does the promulgation of these guidelines limit the Commission's ability to modify these filing requirements in the future

3. Accounting Standards

Accounting records are required to be maintained in accordance with the USOA for local telephony operations by all LECS. NECs may utilize Class B USOA accounts.

4. Certification Process

NEC certification applications shall follow a streamlined regulatory process as follows:

- a. A NEC's certification application shall be docketed with the Commission and subject to an automatic 60-day approval procedure.
- b. Interested entities who can show good cause why such application should not be granted must file with the Commission a written statement detailing the reasons, as well as a motion to intervene, within 30 days after the application is docketed. The applicant shall respond to any motion to intervene with 10 days after the filing of the motion.
- c. Absent full or partial suspension, the application shall become effective 61 days after filing.

5. Conditions of Approval

It is the applicant's responsibility to satisfy the Commission that the requirements of Section 4905.24, Revised Code, have been met. Section 4905.24, Revised Code, conditions the approval of multiple entities providing service upon a finding by the Commission that such operations are proper and necessary for the public convenience. Such determination shall include a review of the applicant's financial, managerial, and technical ability to provide the proposed service.

6. Hearing

In addition to these minimum guidelines, a hearing may be ordered.

C. Serving Area

1. Definition

Serving area is defined as the geographic area in which a provider of local services provides originating service to any customer upon request.

2. Self-Definition

NECs will be permitted to self-define the area in which they will serve customers.

3. Expansion of NEC Serving Area

A NEC seeking to expand its serving area beyond that which was previously authorized must file with the Commission a completed Registration Form, as set forth in Attachment B to these guidelines, along with an application to amend its certificate (AAC). Such an application must include a detailed description of the proposed new serving area and supporting documentation indicating that the applicant is technically, financially, and managerially able to conduct operations on an expanded basis.

NEC applications seeking to expand an authorized service area shall follow a streamlined regulatory process as follows:

- a. Such filing shall be docketed with the Commission and subject to an automatic 30-day approval procedure.
- b. Interested entities who can show good cause why such application should not be granted must file with the Commission a written statement detailing the reasons, as well as a motion to intervene, within 15 days after the application is docketed. The applicant shall respond to any motion to intervene within 7 days after the filing of the motion.
- c. Absent full or partial suspension, the application shall become effective 31 days after filing.

D. Local Calling Area

1. Definition

Local calling area is the geographic area in which an end user may originate a call without incurring a toll charge.

2. Local Calling Areas

NECs may establish their own local calling areas. NECs may change their local calling areas, once established, by filing an updated map with the Commission in the carrier's TRF docket which accurately depicts the revised local calling area.

E. Maps

LECs must maintain up-to-date maps in their TRF dockets which clearly delineate both their serving areas and local calling areas.

F. Abandonment Proceedings

No LEC may abandon its facilities or the services provided thereby absent Commission approval. Applications seeking permission to abandon facilities or services will be governed by Sections 4905.20 and 4905.21, Revised Code. A LEC seeking to abandon facilities or services must file with the Commission a completed Registration Form, as set forth in Attachment B to these guidelines, along with an application to abandon (ABN). Guidelines regarding the withdrawal of individual services are set forth in Section VI.D. of these guidelines.

III. INTERCONNECTION

The term interconnection as used in these guidelines refers to the facilities and equipment physically linking two networks at the first point of interface between the networks of different carriers.

A. Interconnection Obligation

1. Each LEC has the duty to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.
2. Each LEC shall make available interconnection to other LECs upon receipt of a bona fide request for interconnection, unless a waiver of this requirement is ordered by the Commission.
3. All LECs shall have the duty to negotiate in good faith the terms and conditions of the interconnection agreements.

B. Interconnection Standards

1. Each LEC shall provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the LEC's network, for the transmission and routing of local exchange service and exchange access services.
2. All LECs shall provide interconnection to requesting carriers at any technically feasible point within the carrier's network, with quality

at least equal to that provided by that LEC to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection. Interconnection can take place at the tandem office, at the end office, or at any technically feasible point, including meet point arrangements. Any carrier requesting interconnection to the existing network shall do so via Feature Group D (FGD) type interconnection. Interconnecting carriers may use one-way trunks or two-way trunks to interconnect for traffic transport and termination.

3. If collocation is the requested form of interconnection, a LEC shall provide physical collocation of equipment necessary for interconnection or access to unbundled network elements at its premises. A LEC shall provide virtual collocation if, upon demonstration by that LEC, the Commission determines that physical collocation is not practical for technical reasons, or because of space limitations. Such determination shall be performed on an individual central office basis. Similarly, virtual collocation shall be provided if requested by the interconnecting carrier. Collocation, physical and virtual, shall be provided pursuant to rates, terms, and conditions that are just, reasonable, and nondiscriminatory.
4. Interconnection rates, terms, and conditions shall be established through negotiation between LECs upon receipt of a bona fide request for interconnection or through arbitration. Such arrangements shall be reviewed and approved by the Commission pursuant to Section III.D. of these guidelines and Case No. 96-463-TP-UNC. In addition, interconnection rates, terms, and conditions may be established through tariffs approved by the Commission. The Commission, at its discretion, may require the filing of tariffs establishing interconnection rates, terms, and conditions.
5. ILEC interconnection rates established under Section III.D.3. and III.E., shall be established pursuant to Section V.B. of these guidelines. A NEC may mirror the interconnection rates of the ILEC with which it is interconnecting, or establish its own interconnection rates pursuant to Section V.B. of these guidelines.

C. Bona Fide Request For Interconnection

A bona fide request for interconnection shall be in writing and shall detail the specifics of the request. A bona fide request for interconnection

submitted by any telecommunications carrier, pursuant to Section 251 of the 1996 Act, shall include, at a minimum, the following, as applicable:

1. The technical description of the requested meet point(s) or, in the alternative, the requested point(s) of collocation (e.g., the end office, tandem, etc.);
2. For each collocation point: a forecast of DS-1 and DS-3 cross connects required during the term of the agreement; the requested interface format (electrical vs. optical); the type of collocation (physical or virtual) requested; and, if physical collocation is requested, the amount of partitioned space required, as well as DC power and environmental requirements;
3. For each meet point, a detailed technical description of the requested interface equipment must be provided;
4. The requested reciprocal compensation arrangement for transport and termination of local traffic;
5. A technical description of any required unbundled network elements;
6. Any requested access to the poles, ducts, conduits, and rights-of-way owned or controlled by the providing carrier;
7. Any requested white pages directory listings for the customer of the requesting carrier's telephone exchange service;
8. Any requested access to 9-1-1, E-9-1-1, directory assistance, operator call completion service, and any required dialing parity capability;
9. Any requested telephone numbers for the assignment to the requesting LEC's local exchange service customers;
10. The requested method(s) of interim number portability capability, until long-term number portability is available;
11. An itemized list of the required telecommunications services to be offered for resale by the providing carrier, and required operational support systems associated with the resale of these telecommunications services;

12. If transit traffic functionality is required, the requested method(s) of providing functionality at each requested point of interconnection pursuant to Section IV of these guidelines;
13. The requested completion date; and
14. A list including names, phone numbers, and areas of responsibility of the requesting carrier's contact persons for the negotiation process.

An application fee may be charged by the providing carrier to recover no more than the reasonable cash outlays expended in the course of fulfilling the bona fide request. The amount of the application fee shall be subject to the Commission's review and approval, and shall be assessed only after the Commission has approved an interconnection arrangement or the requesting carrier has decided to no longer pursue the arrangement. Disputes concerning the amount of the fee will be resolved by the Commission through the arbitration process.

**D. Process for Negotiation and Approval of Interconnection Agreements
(See also the Commission's Guidelines in Case No. 96-463-TP-UNC)**

1. Negotiations Procedures

- a. Any bona fide request shall be submitted via facsimile, overnight mail, or hand-delivery to the appropriate personnel or division within the LEC's organization in charge of negotiating interconnection arrangements between carriers. Within 5 business days of receiving such request, the providing carrier shall send a letter acknowledging the receipt of the bona fide request and setting the time for the first negotiation meeting within 10 business days from the date the providing carrier received the request. In that letter, the providing carrier shall provide a list of names, phone numbers, and areas of responsibility of contact persons for the negotiation process, and a list of any additional information necessary to process such a request. Within 10 business days of receiving all necessary information, the providing carrier shall inform the requesting carrier, in writing, of any requested interconnection or network element that is not technically feasible to provide, with a detailed explanation of such finding.

- b. The providing carrier shall notify the Commission of any bona fide request pursuant to the Commission guidelines in Case No. 96-463-TP-UNC.
- c. As soon as feasible, no later than 115 calendar days from the receipt of a bona fide request, the providing carrier shall provide, in writing, the requesting carrier with a comprehensive quote including, at a minimum: the description of each interconnection and network element provided; rates to be charged for each item; its estimated cash outlays for processing the bona fide request pursuant to Section III.C. of these guidelines; and the installation schedule for each component provided.
- d. As soon as feasible, no later than 20 calendar days from the receipt of the quote from the providing carrier, the requesting carrier shall respond in writing by accepting or rejecting the quote.

2. Agreements Arrived at Through Negotiations

- a. Upon receiving a bona fide request for interconnection pursuant to Section III.C. of these guidelines, a LEC shall negotiate in good faith and may enter into a binding agreement with the requesting carrier
- b. At any point in time during the negotiation, any party to the negotiation may ask the Commission to participate in the negotiation and to mediate any differences arising during the course of the negotiation, pursuant to the Commission guidelines in Case No. 96-463-TP-UNC.
- c. If an agreement is reached, it shall include a detailed list of the itemized charges for interconnection and each service or network element included in the agreement, including all separate agreements involving such services or network elements. The agreement shall also include a detailed implementation schedule of the items included in the agreement.
- d. The agreement, including any interconnection agreement negotiated before the date of enactment of the 1996 Act and not previously submitted to the Commission for approval, shall be filed with the Commission for approval. Previously approved

agreements need not be resubmitted unless otherwise ordered or requested. The application for approval of the negotiated agreement (NAG) shall be filed along with a completed Registration Form, as set forth in Attachment B to these guidelines.

- e. The Commission shall review an agreement arrived at through negotiation and shall approve the agreement if it finds that:
 - 1. The agreement (or any portion thereof) does not discriminate against a telecommunications carrier not a party to the agreement; and
 - 2. The implementation of the agreement (or any portion thereof) is consistent with the public interest, convenience, and necessity
- f. The Commission shall approve or reject the agreement pursuant to the Commission guidelines in Case No. 96-463-TP-UNC.
- g. Nondiscrimination Provision

A LEC shall make available any interconnection, service, or network element provided under an agreement approved pursuant to this section and to Section 252 of the 1996 Act to which it is a party, to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement. Existing EAS compensation arrangements for the transport and termination of traffic shall be maintained until the Commission determines otherwise, since such arrangements are not approved by the Commission pursuant to Section 252 of the 1996 Act and shall only be available to other similarly situated LECs establishing an arrangement with a non-competing LEC. This provision does not prohibit the Commission from imposing bill and keep compensation through arbitration if deemed warranted by the Commission.

3. Arrangements Arrived at Through Arbitration

- a. During the period from the 135th to the 160th day (inclusive) after the date in which an ILEC receives a bona fide request for interconnection pursuant to Section III.C. of these guidelines, any party to the negotiation may petition the Commission to

arbitrate any open issues by filing an application (ARB) along with a completed Registration Form, as set forth in Attachment B to these guidelines.

- b. The Commission will review arrangements adopted through arbitration pursuant to the Commission guidelines in Case No. 96-463-TP-UNC.
- c. Nondiscrimination Provision

A LEC shall make available any interconnection service, or network element provided under an arbitrated arrangement approved pursuant to this section to which it is a party, to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the arbitrated arrangement.

E. Statement of Generally Available Terms

- 1. Ameritech Ohio may prepare and file with the Commission a statement of the terms and conditions that it generally offers to other carriers in the state of Ohio to comply with the guidelines established by this Commission in Sections III, IV, V, VIII, IX, XII, XIV, and XVI of these guidelines. Such filing shall be made in a (UNC) case.
- 2. Upon the filing by Ameritech Ohio of a statement of generally available terms, interested persons may file written comments within 15 days.
- 3. The Commission will review such a statement within 60 days after the date of the filing and allow the statement to take effect on the 61st day unless Ameritech Ohio agrees to an extension of the review period or unless the Commission disapproves the statement. The Commission may continue to review the statement after the 60-day period.
- 4. The submission or approval of a statement under this section shall not relieve Ameritech Ohio of its duty to negotiate in good faith the terms and conditions of an agreement pursuant to this section.

IV. COMPENSATION FOR THE TRANSPORT AND TERMINATION OF TRAFFIC

A. Compensation Principles

1. Cellular Carriers

Interconnection and compensation arrangements between LECs and cellular carriers are subject to FCC and Commission rules and guidelines as they exist and as they may be modified.

2. Reciprocal Compensation

All LECs shall have the duty to establish reciprocal compensation arrangements for the transport and termination of traffic.

3. Eligibility

LECs shall be entitled to compensation for the use of network facilities they own or obtain by leasing from another underlying facilities-based LEC (i.e., through purchasing unbundled network elements) to provide transport and terminate traffic originated on the network facilities of other telecommunications carriers. Nonfacilities-based LECs are not eligible for the transport and termination of traffic.

B. Traffic Measurement

All ILECs and NECs exchanging local and toll traffic shall measure MOUs for compensation purposes if technically and economically feasible. However, carriers that are unable to measure traffic terminating on their network may use a percentage of local use factor in order to bill the originating carrier. All carriers shall be required to maintain records of the originating call details, which will be subject to periodic audits for validation of traffic jurisdiction. Upon mutual agreement, the interconnecting carriers may use separate dedicated trunks for local, intraLATA toll, and interLATA toll traffic transport.

C. Local and Toll Traffic Determination

As NECs establish operations within individual ILEC local calling areas, the perimeter of each such local calling area, as revised to reflect EAS, shall constitute the demarcation for differentiating local and toll call types for the purpose of traffic termination compensation. Any end user call

originating and terminating within the boundary of such local calling area, regardless of the LEC at the originating or terminating end, shall be treated as a local call, irrespective of subsequent changes in the ILEC's local calling area. The Commission shall specify the date upon which a NEC is deemed operational in an ILEC local calling area in effectuating this guideline. Nothing in these guidelines would preclude the Commission from deciding on a case-by-case basis that an ILEC's local calling area should be expanded, thereby expanding the definition in this section for what should be treated as a local call for traffic termination compensation purposes.

D. Methods of Compensation for Transport and Termination of Traffic

1. Transport and Termination of Local Traffic

- a. Rates, terms, and conditions for the transport and termination of local traffic shall be established through interconnection agreements arrived at either through negotiation, or through arbitration. In addition, rates, terms, and conditions for the transport and termination of local traffic may be established through tariffs approved by the Commission. The Commission, at its discretion, may order the filing of tariffs establishing the rates, terms, and conditions for the transport and termination of local traffic. For an ILEC to comply with Section IV.A.2. of these guidelines, the rates, terms, and conditions for reciprocal compensation shall not be considered just and reasonable unless:
 - i. They provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and
 - ii. Such costs are determined on the basis of a reasonable approximation of the additional costs of terminating such a call, pursuant to Section V.C. of these guidelines.

Arrangements that afford the mutual recovery of costs through the offsetting of reciprocal obligations, including arrangements that waive the mutual recovery, such as bill and keep arrangements, are not precluded by this section.